

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARTURO SOBERANO,

Defendant.

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8:06CR280

ORDER

This matter is before the court on the motion to file pretrial motions out of time and to continue trial by defendant Arturo Soberano (Soberano) (Filing No. 23). Soberano's counsel represents that Soberano will file an affidavit in accordance with paragraph 9 of the progression order whereby Soberano consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Soberano's motion to file pretrial motions out of time and to continue trial (Filing No. 23) is granted.
2. Defendant Soberano is given until **on or before November 10, 2006**, in which to file pretrial motions pursuant to the progression order.
3. Trial of this matter is rescheduled for **January 8, 2007**, before Chief Judge Joseph F. Bataillon and a jury.
- 4.. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 24, 2006 and January 8, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 24th day of October, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge